

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7075 of 2019**

- Bheem Lakra @ Jaylal S/o Shanichra Lakra Aged About 27 Years, R/o Village Tharki, Police Station Rajpur, District Balrampur-Ramanunganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Pasta, Chowki Davra, District Balrampur-Ramanunganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. N. Prajapati, Adv. along with Mr. Abhinav Shrivastava, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 47/2017 registered at Police Station - Pasta, Chowki Davra, District-Balrampur-Ramanujanj (C.G.) for the offence punishable under Sections 450, 302, 307, 323, 120-B, 396, 511 of the IPC and 25, 27 of Arms Act.
2. The prosecution story, in brief is that, on 28-29.07.2017 the present applicant along with other co-accused persons forced their entry into the house of Lakhan Yadav with intention to commit robbery and one of them fired rifle shot fatally injuring Sanjay Yadav who later died. Thereafter, the offence has been registered against the present applicant and other co-accused persons. Present applicant has been

taken into custody on 01.08.2017.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that no incriminating article or any weapon has been recovered from the possession of the present applicant. The applicant is in jail since 01.08.2017, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, learned counsel for the State opposing the bail application submits that there is clear evidence against the present applicant showing his involvement in the case. Thus, it is not a fit case where applicant may be release on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, gravity of offence, and further considering the quality of evidence in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

**Sd/-
(Rajani Dubey)
Judge**